

Interview record OK  
5/2 9/15/04

### Remarks/Arguments

Applicant requests that the amendment after final not be entered and that the amendments submitted herein be entered in their stead.

Claims 1-23 remain in the application. Claim 8 has been cancelled. Claims 1, 5, 6, 9, 13, 14, 15, 19, and 21 have been amended. New claim 24 has been added.

### Telephone Interview

Applicant wishes to thank the Examiner for conducting the telephone interview of June 15, 2004. A complete and proper recollection of the substance of the telephone interview, as follows:

- a) No exhibits were shown nor was any demonstration conducted.
- b) Claims 1, and 4-6 were discussed.
- c) Discussion of the prior art was limited to i) United States Patent 5,160,991 in the name of Delacourt et al., and ii) H.C. Liu, Semiconductor and Semimetals, Vol. 62, pg. 129-196, 1999.
- d) The principle proposed amendments of a substantive nature involved the inclusion of those claim features that are recited in claims 2, 3, and 4 into independent claim 1.
- e) The Examiner maintained the rejection of claim 1 as being anticipated by Delacourt et al. Applicant argued that the teachings of Delacourt et al. are inoperative with respect to operation at other than low temperature. The Examiner also maintained the rejection of claims 4-6 under 35 USC 103 as being unpatentable over Delacourt et al. in view of Liu. Applicant argued that the proposed combination is unmotivated, and that the proposed combination does not teach every feature of the invention as claimed at claims 4-6. Applicant further argued that at the time of the invention, one skilled in the art could not have reasonably expected to successfully produce a quantum well infrared photodetector as claimed at claims 4-6 by combining the teachings of Delacourt et al. and Liu.